

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held March 18, 2008

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:32 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Lori Wissler, Community Development Manager; Steve Fleming, Herbert, Rowland, and Grubic, Inc.; Thomas E. Whittle, CET Engineering Services; and David Weihbrecht, Alpha Consulting Engineers.

Pledge of Allegiance

Mr. Crissman led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the February 12, 2008 workshop meeting, and the February 19, 2008 business meeting. Mr. Blain seconded the motion, and the motion was approved unanimously.

Public Comment

Alvin Q. Taylor explained that he wanted to introduce himself to the Board members. He explained that he ran for Commissioner in the last election for Dauphin County and lost. He noted that this year he is running for the 15th Senatorial District. He noted that he wanted to thank everyone for their support in the past election.

Mr. Taylor noted that he has been a life-long resident of the Township for 52 years. He explained that it is very important for people to vote. He noted that in the last election, 79% of the people did not vote. He encouraged everyone to come out to vote. He noted that all government is local, and it is very important to generate interest in local government. He noted that he is a strong component of education and has met several times with members of the Police Department. He explained that he is very proud of the Township. He noted that he would like to see the entire district represented as well as it is in the Township.

Mr. Paul Shayter, 1030 Nora Drive, noted that it was announced on today's news that Bishop McDevitt High School would be moving to the Township. He noted that the media made it sound like it was a done deal. He noted that his property is located in that neighborhood and this is the first that he heard about this development. Mr. Wolfe explained that the Township has not received the submission of a plan from the Diocese of Harrisburg in regard to a land development plan for Bishop McDevitt High School. He noted that representatives have met with staff to show a concept plan, but nothing has been submitted to the Planning Commission, Board of Supervisors, or the Dauphin County Planning Commission. Mr. Shayter noted that the media made it sound like it was a done deal. Mr. Wolfe noted that one of the television stations had stated that the plan had preliminary approval from the Township but that was not correct.

Mr. Shayter noted that he would have an interest in the development since he thinks his farm abuts the land. He questioned when the plan would be discussed. Mr. Wolfe answered that Mr. Shayter should watch the agendas for the Board of Supervisors. He noted that currently, the Township is having a problem posting its agenda on the website. He noted that his IT Manager is trying to fix the website. Mr. Wolfe suggested that Mr. Shayter could call the office as well. Mr. Shayter noted that he called the office today and they stated that they knew nothing about it. Mr. Wolfe explained that they wouldn't since it was not on the agenda, nor was anything submitted

to the Township. Mr. Wolfe noted that the Township did not know that the announcement was to be made earlier today. He also suggested that Mr. Shayter could ask to speak to Ms. Wissler as well.

Mr. Ken Parmer, 4292 South Carolina Drive, noted that no agendas were posted for the month of March. Mr. Wolfe explained that the agendas have been posted, but for some reason they are not appearing on the website. He noted that Mr. Weisinger is working on the problem. He noted that the agendas are posted the Friday prior to the meeting. Mr. Parmer noted that the Township offered to fax him an agenda, but he does not have a fax machine. He suggested that the Township should be able to email the agendas to him.

Mr. Parmer questioned why there are not many people at the meetings. He questioned if it was because of the lack of publication of agendas or because people come to speak, and think that it is futile and the Board does not listen to them.

Mr. Parmer noted that there was an advertisement in The Paxton Herald for the April 1, 2008 business meeting which noted that a public hearing would be held to discuss the rezoning of the areas behind the Sportsman's Golf Course. He noted that there was no easy way to understand what the legal ad was describing. He questioned if the rezoning would be advertised anywhere in plain English or would it only be posted the Friday before the meeting. He questioned if this would be the only notification for the citizens. Mr. Wolfe answered that it would be posted on the agenda the Friday before the meeting. He noted that the legal ad is advertised in a manner that is required by law. He noted that the ad cannot be put in "plain English", it has to be in the format used. He noted that the ordinance is available to the public, and Mr. Parmer could get a copy of it from the municipal center. Ms. Wissler explained that notices were mailed to the surrounding property owners.

Mr. Parmer noted that the proposal for rezoning is to take the Agricultural-Residential, (AR) and Conservation (CO) Districts, and convert it to Institutional (IN) and CO. He explained that he had a copy of the draft Zoning Ordinance dated June 19, 2006 that was adopted on July 11, 2006. He noted that the CO definition in that Ordinance states, *“to provide for development with a low average density area that includes the significant and important natural features such as wetlands, creeks, flood prone lands, and steeply sloped areas to conserve Blue Mountain.”* He noted that the entire area behind the Sportsman’s Golf Course is Blue Mountain. He noted if the Board had any environmental responsibility, they would suggest that the AR be converted to CO and the entire mountainside be zoned Conservation.

Mr. Parmer noted that when he read Article 301, a, b, c, and d, the descriptions for the CO, AR, R-1, and R-2 Districts, there is nothing that shows the density for these districts and the minimum lot sizes. Ms. Wissler explained that that information is in chart form in Article 307, a, and it list all the districts and the minimum lot sizes. She noted that the minimum lot size for the AR zone is 1.5 acres.

Chairman and Board Member’s Comments

None was provided.

Manager’s Report

Mr. Wolfe explained that the Township’s collection costs for Waste Management increased in the second quarter bill. He read from an email he received from Tom Stang, Office Manager from Waste Management, *“the second quarter invoices mailed to the residents will reflect an increase of \$2.12 per month, based on the effort to capture the increases dating back to January 1, 2008.* (Mr. Wolfe noted that this reflects the increase in the Harrisburg City Authority’s Tipping Fee.) *He noted that because residents are billed on a quarterly basis in advance, the increase will reflect a total amount of \$6.36.”*

Mr. Wolfe explained that the Township has experienced a fixed cost for Waste Management services for waste and recyclables collection for a period of five years. He noted that the only caveat for those services has been the tipping fee paid by the hauler at the designated facility. He noted that two years ago, the Dauphin County Commissioners mandated that all waste generated within Dauphin County must be taken to the Harrisburg Incinerator. He noted that the prices charged for the waste disposal are passed onto the haulers and their customers. He explained that in January 2008, the tipping fee for the Harrisburg Incinerator was increased by \$10 per ton, and as a result, the haulers were not able to include those costs in their first quarter billing. He noted that the second quarter bill is the last bill from Waste Management for this contract, therefore, Waste Management needed to recapture their costs for the first and second quarter of the year.

Mr. Wolfe noted that the Township's contract for the collection of waste and recyclables expires on June 30, 2008, and the Township is in the process of issuing bid specifications for an additional five-year period ranging from July 1, 2008 through June 30, 2013. He noted that residents may or may not see a change in hauler come July 1, 2008. He explained that the costs for services are anticipated to increase sharply since the Township has been the beneficiary of fixed-rate pricing for a five-year period. He noted that, in that time, the costs for vehicle fuels has increased dramatically.

Mr. Wolfe noted that the Township's Leaf Waste Program will start on April 7, 2008 at a cost of \$72 per year. He noted that this includes bi-monthly collections, extending through to December, and the collection of Christmas trees the second and fourth week of January.

Mr. Wolfe noted that the Township received a flyer from PENNDOT in regard to its Keep America Beautiful Program, and it's Adopt a Highway Program. He noted that PENNDOT encourages community organizations to adopt a State route and clean up litter along State routes.

He noted that interested groups should contact PENNDOT for more information. In addition, the Township has developed its own adopt a highway program called the Heart Smart, Street Wise Program. He explained that when a person cleans the roadways, they are getting exercise, therefore the Heart Smart concept, and Street Wise is keeping the streets clean. He noted that interested groups should make contact with Ken Shoaff by calling the Township Municipal Center at 657-5600.

OLD BUSINESS

Mr. Hawk noted that there was no old business.

NEW BUSINESS

Action on bids for the sale of Friendship Center fitness equipment

Mr. Wolfe noted that no bids were received for the fitness equipment, and the Township has two options at this time. He explained that the fitness equipment could be re-bid or it could accept the trade-in value for the equipment which is \$100 per item. He noted that there are 15 items to be sold.

Mr. Crissman questioned which option staff recommended. Mr. Wolfe answered that he would recommend the Township accept the trade-in option. He noted that to dispose the items by a second bid or auction would result in storage issues since the new equipment is to be delivered soon. He noted that moving the equipment off site would be a significant effort as the machines are very heavy. He explained that the equipment that he viewed for the on-line auctions was in much better shape, noting that the equipment is seven years old and has been used very heavily. He stated that notices were sent to over 60 potential bidders, and no responses were received. He noted that the bids were structured in such a manner that a bidder could bid on one item or all of the items, and no bids were received.

Mr. Seeds questioned if the equipment could be auctioned during the annual Capital Region Council of Government (CRCOG) auction. Mr. Wolfe answered that the Township would have to store the equipment, transport it to the site and then transport the equipment back if it was not sold. He noted that during the bidding process, no one came to look at the equipment, and replacement parts for the equipment are hard to find.

Mr. Crissman questioned if it was possible to get a trade-in from the company who is supplying the new equipment. Mr. Wolfe explained that Mr. Luetchford made contact with the company today, and was told that they would be amenable to it.

Mr. Crissman made a motion to accept the trade-in value for the Friendship Center Fitness Equipment. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and the motion passed unanimously.

Revised preliminary/final land development plan for N. Mountain Road Office Court

Ms. Wissler noted in July 2004, the Preliminary/Final Land Development Plan #04-07 was approved by the Board of Supervisors.

Ms. Wissler explained that one of the conditions of approval was the establishment of an improvement guarantee for the proposed site improvements. On September 4, 2004, an improvement guarantee was established in the amount of \$68,125.20; increased 10% on July 19, 2005 to \$74,937.72; decreased on February 7, 2006 to \$25,718.00; increased 10% on June 27, 2006 to \$28,289.80; and increased 10% on May 29, 2007 to \$31,118.78. The current amount in effect is \$31,118.78 and the date of expiration is May 13, 2008.

Ms. Wissler noted that on December 8, 2005, an inspection was completed by Dauphin Engineering Co. and the following deficiencies remained and need to be corrected:

1. Trench 1A - Provide decorative stone as per plan.
2. Trench 1B - Provide trench 1B as per plan.

3. Evergreen Trees – Install 39 evergreen trees per the plan.
4. Concrete Monuments – Install 2 concrete monuments per the plan.

Ms. Wissler noted in February, 2008, a revised plan was submitted requesting relief from the four outstanding improvements. The revised plan was submitted to HRG for review and Mr. Grubic's memo dated February 28, 2008 is attached. With regard to Item #3, the Ordinance that was in effect, Article 1171.07, required that all front, side and rear yard areas be landscaped with trees and shrubs and/or other ground cover as approved by the Planning and Zoning Officer. Where adjacent to a residential district, required landscaping shall be of a type that shall provide, at maturity, a visual screen or barrier between the residential district and the Research Office District use. Such landscaping shall include at least 50% evergreen species of trees and shrubs which are not less than four feet in height at the time of planting. It is Staff's opinion that the revised plan does not comply with this requirement and any deviation from the approved plan would require a variance from Article 1171.07.

Ms. Wissler noted that Mr. Whittle from CET Engineering, prior to the start of the meeting, spoke with Mr. Fleming from HRG, and reviewed what was installed for Trench 1A and Trench IB. She noted that Mr. Fleming and staff found it to be okay, but staff maintains that the two concrete monuments be installed. She explained that the installation of the 39 evergreen trees would fulfill the zoning ordinance in affect at that time. She noted that a change in this option would require a variance from the Zoning Hearing Board. Mr. Crissman questioned if this had been completed. Ms. Wissler answered that it had not been completed. Mr. Crissman questioned why staff did not include Item 3. Ms. Wissler answered if the developer wants to pursue the installation of the trees, they would have to take it before the Zoning Hearing Board.

Ms. Wissler explained that Items 1 and 2 are fine with staff, Item 3 would require a variance, and Item 4 would be required to be completed. She noted that she is asking that the

revised plan be approved with Trench 1 and 2 as shown on the revised plan, but stated that staff wants the 39 evergreen trees installed as well as the concrete monuments.

Mr. Seeds noted that at the time this plan was approved, the regulations were different from what they are now. Mr. Seeds noted that there are 11 evergreens planted, and it does not provide for a solid screening.

Mr. Seeds noted that the detention pond needs some work. Mr. Whittle explained that he noticed that today when he inspected the pond, and stated that he would complete the needed maintenance.

Mr. Whittle noted that the current zoning requirements do not require any screening at all. He noted that the main reason the trees were not planted is because of CET's relationship with the neighboring school, noting that many people use their parking facilities for evening and Saturday activities. He noted that parents and students must migrate through the area that the trees are to be planted in, and if the trees were planted, this would not be possible. He noted that this is also the reason that he did not want to install the stones in the trenches. He stated that he plans to request a variance from the requirement to plant the evergreen trees.

Mr. Whittle explained he updated the trench detail in the revision to reflect the Best Management Practices that were in affect at the time of construction and not at the time of plan approval. He noted that those would still apply at this time, to replace the stone with top soil. He noted that staff has agreed to this.

Mr. Whittle noted that the school was never in favor of creating a dense barrier with trees since there would be no visibly or access for the children to their property. Mr. Seeds noted that he agreed with this. He noted that the Supervisors cannot waive this request, but he stated that it is very important to place the concrete monuments. Mr. Whittle noted that the monuments were not placed since they would be located in a wetlands area. He noted that he would propose to

move the concrete monuments up the line on the school side to put it out of the wetlands, and to locate it in an area that it can be mowed and maintained. He noted that for the other monument, the corner of the property that abuts the gas station, their property has a 90 degree bend behind the sideline, it would be placed there. He noted that it would provide for the two monuments but not where they were originally shown on the plan.

Mr. Seeds noted that staff has reached an agreement for the two trenches, an agreement as to where the monuments would be placed, and he noted that the Board must leave the request for trees in the plan, to provide for the applicant to apply for a variance. He noted that he agrees that it would be better if the trees were not planted.

Mr. Crissman questioned if the applicant would need to go to the Zoning Hearing Board before the Board could take action on the plan. He suggested that Mr. Whittle should secure a letter from Dr. Schola's (Central Dauphin School District Superintendent) office supporting the position that the School would prefer that the trees not be planted. He suggested that it would help his cause before the Zoning Hearing Board. Mr. Hawk suggested that it would be good to table action on this plan until the applicant's variance is decided by the Zoning Hearing Board. Mr. Seeds suggested that the Board could approve the revised plan and leave the evergreen trees and concrete monuments as required. He noted if the applicant is successful before the Zoning Hearing Board, then they would removed the requirement from the plan. Ms. Wissler noted that the Board could approve the two requirements at this time.

Mr. Crissman made a motion to approve the revised preliminary/final land development plan for North Mountain Road Office Court, to include the revisions to Trench 1A and Trench 1B as shown on the revised plan. He noted that the requirement to install 39 evergreen trees per the plan and two install 2 concrete monuments per the plan will remain as is. Mr. Blain seconded

the motion, and Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Final subdivision plan for Chelsey Falls, Phase 2

Ms. Wissler noted that plan was removed from the meeting agenda.

Preliminary/final subdivision plan for the Brown Farm

Ms. Wissler noted that the purpose of this plan is to separate an existing dwelling and undeveloped land (Lot 2) from residual Lot 1. The tract consists of 48.3 acres, is located at 6370 Lyters Lane, is zoned R-1, Low Density Residential District, and will be served by private water and public sewer. Ms. Wissler noted that there are four waivers requested; 1) Waiver of the requirement to submit a preliminary plan; 2) Waiver of the minimum cartway width requirement of thirty-six (36) feet ; 3) Waiver of the requirement to provide sidewalk and curbing along Lyters Lane; and 4) Waiver of the requirement to provide a storm water management plan. In addition there are six general conditions.

Ms. Wissler noted that Mr. Dave Weihbrecht from Alpha Consulting Engineers is present on behalf of the plan.

Mr. Hawk questioned if staff was okay with the four listed waivers. Ms. Wissler answered that staff supports the four waiver requests.

Mr. Blain questioned if there were any changes on the plan from the time the plan was originally approved. Ms. Wissler answered no. She explained that the applicant received a deemed denial since they failed to respond to the letter within the required 15 days. Mr. Crissman questioned what action must be taken by the Board. Mr. Blain noted that the applicant is requesting a second plan approval in it entirety.

Mr. Blain questioned why the applicant failed to respond to the letter within the 15 days. Mr. Weihbrecht explained that Dr. Brown was moving at the time, and stated that he did not

receive the letter. He noted that waivers 2, 3, and 4 are actually deferred until Lot 2 is developed. He noted that Dr. Brown has subdivided his house and pool from the rest of the property noting that his title extends across Lyters Lane, listed as existing tract 2. He noted that the remaining property is made up of 45 acres, and he anticipates, that at some time, a developer will buy the land and subdivide the ground. He explained that a note has been placed on the plan that the developer will be required to fulfill the requirement of the three waivers.

Mr. Seeds noted that there is a note on the plan granting a right-of-way for the second waiver request, and when Lot 2 is developed then the same improvements will be made for Lot 1. Mr. Weihbrecht noted that these two items are already noted on the plan.

Mr. Crissman questioned Mr. Weihbrecht if he was in agreement with the four waivers and notes added to the plan. Mr. Weihbrecht answered yes.

Mr. Crissman questioned Mr. Weihbrecht if he was in agreement with the six general conditions which include HRG's five comments dated February 7, 2008. Mr. Weihbrecht answered yes.

Mr. Crissman made a motion to approve the preliminary/final subdivision plan 2008-02 for the Brown Farm with the following waivers and notes for those waivers on the plan, and general conditions: 1) Waiver of the requirement to submit a preliminary plan; 2) Waiver of the minimum cartway width requirement of thirty-six (36) feet; 3) Waiver of the requirement to provide sidewalk and curbing along Lyters Lane; and 4) Waiver of the requirement to provide a storm water management plan; noting that a note be placed on the plan to show that a right of way will be provided for Lot 2 and the three waiver requirements will be completed by the developer of Lot 2 for Lots 1 and 2; 5) Plan approval shall be subject to providing original seals and signatures; 6) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 7) Plan approval shall be subject to DEP's

approval of a sewage facilities planning module; 8) Plan approval shall be subject to the payment of fee-in-lieu for one lot at \$2,300.00 per lot; 9) Plan approval shall be subject to payment of the engineering review fees; and 10) Plan approval shall be subject to addressing HRG's Memo with five comments, dated February 7, 2008.

Mr. Blain seconded the motion, and Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 2008-15; adding streets to the official Township docket
through the Court of Common Pleas

Ms. Wissler noted that adoption of this Resolution allows the Township to record the dedicated streets in the Courts of Common Pleas which permits the Township to receive Liquid Fuels Tax funds for these streets.

Mr. Seeds suggested that the Township never did this before. Ms. Wissler explained that it has been done in the past and the Township is mandated to do this in order to obtain Liquid Fuels Tax for dedicated Township streets. She noted that she did not include the names of the streets and paperwork for the Board's packets, but it includes all the streets dedicated in the years 2006 and 2007.

Mr. Crissman made a motion to approve Resolution 2008-15 adding streets to the official Township docket through the Courts of Common Pleas. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and the motion passed unanimously.

Improvement Guarantees

Mr. Hawk noted that there were four improvement guarantees for consideration.
Estates of Forest Hills, Phase I, II, III, IV-A, IV-B, V

Extension of a line of credit with Community Banks, N.A., in the amount of \$3,163.60 with an expiration date of April 21, 2009.

Spring Creek Hollows, Phase IA

A reduction and extension in a letter of credit with Peoples Bank in the amount of \$46,987.90 with an expiration date of April 15, 2009.

Rite Aid Corporation

An extension and increase in a bond with Westchester Fire Insurance Company in the amount of \$44,770.00 with an expiration date of May 24, 2009.

Old Iron Estates, Phase IV

An extension in a letter of credit with Fulton Bank in the amount of \$22,350.00 with an expiration date of April 20, 2009.

Mr. Seeds questioned if Estates of Forest Hills, Phase I, II, III, IV-A, IV-B, V were increased in December 2007 as stated on the paperwork. He noted that Mr. Miller completed the inspection in November, 2007. Ms. Wissler noted that all those phases were combined in December 2007, and the increase was included in the December 2007 action.

Mr. Crissman made a motion to approve the four listed improvement guarantees as presented. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and the improvement guarantees were unanimously approved.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting.
Mr. Blain seconded the motion, and the meeting adjourned at 8:22 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary